

REMARKS/ARGUMENTS

Claims 1, 3-5, 7-9, 13, 15, 20, 22, 23, 25-27, 29-31, 35, 37, 42, and 44 have been resubmitted. Claims 2, 6, 10-12, 14, 16-19, 21, 24, 28, 32-34, 36, 38-41, and 43 have been cancelled. Claims 1, 3, 5, 7, 9, 13, 15, 20, 22, 23, 25, 27, 29, 35, 37, 42, and 44 have been amended. New claims 45 and 46 are presented herein.

The drawings were objected to for including a reference character not mentioned in the description. Claims 5-9, 35-37 and 42-44 were objected to for various informalities. Claims 1-4 and 33 were rejected under 35 U.S.C. Section 112, second paragraph. Claims 13-15 and 35-37 were rejected under 35 U.S.C. 102(e) as being anticipated by Piotrowski U.S. Patent Application Publication No. 2003/0236903. Claims 1-4, 10-12, 23-26 and 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0236903 (Piotrowski) in view of U.S. Patent No. 5,899,995 (Millier et al.). Claims 5-9, 16-19, 27-31 and 38-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0236903 (Piotrowski) in view of U.S. Patent No. 5,899,995 (Millier et al.), in view of U.S. Patent No. 5,790,937 (Gutle) and further in view of U.S. Patent No. 5,907,841 (Sumita). Claims 20-22 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0236903 (Piotrowski) in view of U.S. Patent No. 5,790,937 (Gutle) and further in view of U.S. Patent No. 5,907,841 (Sumita).

Drawing Objections

The drawings were objected to for including a reference character not mentioned in the description. The cited reference characters in Figures 26, 30, 31 and 33 are now mentioned in the specification according to the above-described amendments to the specification in paragraphs 119, 163, 165, and 167 respectively. Withdrawal of the objection to the drawings is respectfully requested.

Claim Objections

Claims 5-9, 35-37 and 42-44 were objected to for informalities. Claim 5, 35 and 42 have now been amended as required to correct the informalities. Applicants respectfully request the withdrawal of this objection.

Rejections under 35 U.S.C. section 112, first paragraph

Claims 1-4 and 33 were rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. Claim 1 has now been amended to remove the term "and/or". Claim 33 has been cancelled.

Examiners Response to Arguments

Applicants have amended all remaining independent claims to incorporate the limitations of the subsequent dependent claim relating to the descendant substitute information display information. For example, the limitations of claim 2 have been added to claim 1 and claim 2 has been cancelled. Other independent claims similarly amended are claims 5, 13, 20, 23, 27, 35, and 42.

Addressing the Examiner's response to Applicants' arguments, Applicants will focus on the substitute information display information feature added to each independent claim. Applicants note that Piotrowski discloses a system for structured streaming of an XML document. The Piotrowski system addresses the problem of prior art systems which required an entire streamed XML document to be received before a receiver could decode and process any portion of the XML content. See Piotrowski at [0005]. The Piotrowski system does this by streaming XML content in a structured manner so that an XML receiver can begin processing the most important XML portions of an XML stream first. See Piotrowski at [0008].

In the Piotrowski system, if the XML stream is terminated by the user, or there is packet loss, or if the complete XML document has not yet arrived, a user can still perform useful tasks based on the received XML portion. A user can prioritize XML portions that are most relevant and discontinue transmission once the prioritized XML portions are received. See Piotrowski at [0015]

When a transmission is terminated, "the received XML portion is processed directly, for example, by displaying the content or storing the content in a specified location". See Piotrowski at [0025]. As for the portions of the XML document that are not received, Piotrowski makes no mention of how the missing portions are dealt with. If sufficient information, such as a "structure node" is received before termination, the system can reconstruct the structure of the full XML document, as discussed in more detail below.

"In this manner, the XML receiver 300 can reconstruct the structure of the full tree provided enough of the streamed XML content is received". See Piotrowski at [0017].

This reconstructed structure will be used to structure the received XML portions, but there is no mention of displaying the reconstructed structure. Most importantly, there is no mention of displaying anything in the structure in place of the XML portions that were not received.

In contrast, one aspect of Applicants' invention is to address just how to handle missing XML portions in a data stream. In particular, Applicants' invention teaches that such missing portions can be displayed with a substitute display. For example, as shown in FIGs. 35 and 37 of Applicants' disclosure, a series of "Xs" are substituted and displayed in the XML document. Thus, at a glance, a user can see the received prioritized portions of the document, and also can see which portions are missing. By looking at the substituted display of "Xs" the user can also see the location and length of the missing material.

Applicants' amended claims clearly recite this feature. For example amended claims 1, 5, 13 and 20 have all have the following elements added by the present amendment:

"...descendant substitute display information storage means...",

"...descendant substitute display information addition means...",

"...extraction means" that "extractsdescendant substitute display information from the node stream...",

"...reconstruction means" that "adds a substitute structure portion relating to the descendant substitute display information...",

"...display means" that "displays said descendant substitute display information...".

Similarly, amended claims 23, 27, 35 and 42 now recite:

"...descendant substitute display information addition step...",

"...extraction step" for "extracting" "...descendant substitute display information from the node stream...",

"...reconstruction step" comprising "adding.....a substitute structure portion relating to the descendant substitute display information",

"display step" for "displaying on the display means the descendant substitute display information".

None of these claim elements are found or suggested in Piotrowski, or in any of the other cited references. The Examiner has asserted that Piotrowski at paragraphs [0009], [0017] and [0018] disclose substitute display information, citing [0009], which states that a user can:

"...utilize the known XML Schema to reconstruct the entire XML document, provided enough of the streamed XML portions are received, even if certain lower priority XML portions are missing".

The examiner has asserted that this passage, along with paragraphs 9 and 18, means that "...the XML document can be displayed (presented) including the missing XML portions. Displaying missing portions of a document appears to be substituting the display of the missing portions".

Applicants respectfully disagree with this interpretation for several reasons. First of all, the only mention of "displaying" anything in Piotrowski occurs at paragraph [0025], which states that:

"...the received portion is processed directly, for example, by displaying the content or storing the content in a specified location".

The "received portion" is just what is says, the portion actually received, not the "missing" portion. Hence, there is no suggestion of displaying anything corresponding to the missing portion.

Second, regarding the above-quoted section of paragraph [0009] (the user can "utilize the known XML Schema to reconstruct the entire XML document, provided enough of the streamed XML portions are received, even if certain lower priority XML portions are missing"), makes no sense if one interprets it to say that "reconstructing the entire XML document" means displaying the entire XML document. One cannot display something that is missing and Piotrowski says nothing about displaying anything corresponding to missing portions. Instead, the meaning of this excerpt is clarified by a very similar statement made in paragraph [0017] as follows:

".. the XML receiver 300 can reconstruct the structure of the full tree provided enough of the streamed content is received."

Hence, in light of this statement, a better interpretation of the cited passage in paragraph [0009] would be that it means that a user can utilize the XML Schema to reconstruct the entire structure of the XML document, not the entire XML document. The missing parts are still missing. In any event, there is no disclosure of the displaying of either the structure of the missing portions of the XML document, or of displaying anything to substitute for the missing portions as required by Applicants' claims.

Finally, Applicants address the Examiner's two assertions that a) displaying missing portions of a document "appears to be" substituting the display of the missing portions; and b) there "must be" a mechanism for creating such a display. Applicants believe that these subjective assertions do not properly communicate the basis for the rejection. Applicants are being asked to imagine that the claimed features exist, when, in fact, they are not disclosed in, or suggested, by the cited reference.

Rejections under 35 U.S.C. 102(e)

Claims 13-15 and 35-37 were rejected under 35 U.S.C. 102(e) as being anticipated by Piotrowski U.S. Patent Application Publication No. 2003/0236903. For at least the reasons cited above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 13-15 and 35-37 as being anticipated by Piotrowski.

Rejections under 35 U.S.C. 103(a)

Claims 1-4, 10-12, 23-26 and 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0236903 (Piotrowski) in view of U.S. Patent No. 5,899,995 (Millier et al.).

For at least the reasons cited above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 10-12, 23-26 and 32-34 as being unpatentable over Piotrowski in view of Millier.

Claims 5-9, 16-19, 27-31 and 38-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0236903 (Piotrowski) in view of U.S. Patent No. 5,899,995 (Millier et al.), in view of U.S. Patent No. 5,790,937 (Gutle) and further in view of U.S. Patent No. 5,907,841 (Sumita).

For at least the reasons discussed above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 5-9, 16-19, 27-31 and 38-41 as being unpatentable over Piotrowski in view of Millier, Gutle and Sumita.

Claims 20-22 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0236903 (Piotrowski) in view of U.S. Patent No. 5,790,937 (Gutle) and further in view of U.S. Patent No. 5,907,841 (Sumita).

For at least the reasons discussed above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 20-22 and 42-44 as being unpatentable over Piotrowski in view of Gutle and Sumita.

CONCLUSION

Reconsideration and withdrawal of the rejections with respect to Claims 1-44 is requested. New claims 45 and 46 have been presented, which recite a method that includes the displaying of substitute symbols in locations corresponding to portions of document that is not yet received. As discussed above, this is a feature not taught or suggested by the cited art. Applicants submit that the claims are now in condition for allowance.

Appl. No. 10/667,712
Amdt. Dated May 22, 2008
Reply to Office Action of January 22, 2008

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 090441.

Respectfully submitted,

Dated: May 22, 2007

By: /Donald L. Wensky/
Donald L. Wensky
Attorney Registration No. 32661

LAW OFFICE OF DONALD L. WENSKAY
16909 Via de Santa Fe, Suite 202
PO Box 7206
Rancho Santa Fe, CA 92067
Phone 858-756-0357
Fax 858-756-0427